From: Carter Butts
To: Microsoft ATR
Date: 1/23/02 3:16pm
Subject: Microsoft Settlement

I am writing to express my opposition to the proposed settlement in the Microsoft antitrust trial. As a scientist, I spend much of my time developing data analysis software for multiple platforms, including both UNIX and Microsoft Windows Operating Systems. My work is thus directly affected by the current proceedings, and I am concerned that a judgment be reached which is in the best interests of myself and other science and technology professionals.

I am particularly concerned that the Proposed Final Judgment does not adequately address the problem of Independent Software Vendors who ship Open Source applications. The Microsoft Windows Media Encoder 7.1 SDK EULA, for instance, states in part that

"...you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. "Publicly Available Software" means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models ... Publicly Available Software includes, without limitation, software licensed or distributed under any of the following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL); ..."

This and other similar EULAs severely limit the potential for software makers to build Open Source software which is compatible with, or which makes legitimate use of, Microsoft tools. Since scientific software is often "Publicly Available" as per the above definition -- in keeping with the duty of scientists (especially those with public funding) to make their work available to American government, business, and academic institutions -- it follows that such behaviors on the part of Microsoft serve to impair the ability of the scientific community to meet its public responsibilities. Given the finding of fact that Microsoft holds a monopoly on Intel-compatible PC operating systems, it is especially important to guarantee that Microsoft will not be able to use its monopoly power to control Independent Software Vendors. The Proposed Final Judgment does not succeed in accomplishing this.

The United States Department of Justice was in the right to take action against Microsoft initially, and -- as a taxpayer -- I certainly hope they will see that justice is served. The Proposed Final Judgment,

however, is insufficiently strong to prevent the abuses which resulted in the initial action, much less the potentially actionable practices already proposed by Microsoft in the coming years. A strong judgment, possibly including the breakup of Microsoft, is the only viable means of restoring the benefits of free competition to the American software industry.

Carter T. Butts
ctb@andrew.cmu.edu
Carnegie Mellon University
Pittsburgh, PA